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Attorney for Defendant  
LEO V. HACKETT

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. Cr. F 99-05265 OWW
	)	
Plaintiff,	)	<b>STIPULATED MOTION and ORDER TO</b>
	)	<b>REDUCE SENTENCE PURSUANT TO 18</b>
v.	)	<b>U.S.C. § 3582(c) (2)</b>
	)	
LEO V. HACKETT,	)	<b><u>RETROACTIVE CRACK COCAINE</u></b>
	)	<b><u>REDUCTION CASE</u></b>
Defendant.	)	
	)	
	)	

Defendant, LEO V. HACKETT, by and through his attorney, Assistant Federal Defender David M. Porter, and plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Assistant U.S. Attorney Kimberly Sanchez, hereby stipulate as follows:

1. Pursuant to 18 U.S.C. § 3582(c) (2), this court may reduce the term of imprisonment in the case of a defendant who has been sentenced to a term of imprisonment based on a sentencing range that has subsequently been lowered by the Sentencing Commission pursuant to 28 U.S.C. § 994(o);

2. The sentencing range applicable to Mr. Hackett was subsequently lowered by the United States Sentencing Commission in Amendment 706 by two levels;

3. Based upon the facts and circumstances of this case, including the defendant's background and disciplinary record while in prison, the parties have agreed to a one-level reduction in offense level, thereby reducing the defendant's offense level from 32 to 31, and an appropriate sentence taking into consideration all the factors set forth in 18 U.S.C. § 3553(a) would be 146 months on all counts;

4. Accordingly, the parties request the court enter the order lodged herewith reducing Mr. Hackett's term of imprisonment to an aggregate term of 146 months on all counts.

Dated: December 4, 2008

Respectfully submitted,

McGREGOR SCOTT  
United States Attorney

DANIEL J. BRODERICK  
Federal Defender

/s/ Kimberly Sanchez  
KIMBERLY SANCHEZ  
Assistant U.S. Attorney

/s/ David M. Porter  
DAVID M. PORTER  
Assistant Federal Defender

Attorney for Plaintiff  
UNITED STATES OF AMERICA

Attorney for Movant  
LEO V. HACKETT

**ORDER**

This matter came before the Court on the motion of the defendant for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2), filed June 11, 2008. The matter is set for further hearing on December 15, 2008, but in light of the parties' stipulation, that hearing is VACATED.

On April 16, 2001, this Court sentenced Mr. Hackett to a term of imprisonment of 164 months. The parties agree, and the Court finds, that application of the retroactive amendment reducing crack cocaine penalties reduces the applicable offense level from 32 to 31, and that an appropriate sentence taking into consideration all the factors set

STIPULATED MOTION and ORDER TO REDUCE SENTENCE

1 forth in 18 U.S.C. § 3553(a) would be 146 months.

2 IT IS HEREBY ORDERED that the term of imprisonment originally  
3 imposed is reduced to an aggregate term of 146 months on all counts;

4 IT IS FURTHER ORDERED that all other terms and provisions of the  
5 original judgment remain in effect.

6 Unless otherwise ordered, Mr. Hackett shall report to the United  
7 States Probation office closest to the release destination within  
8 seventy-two hours after his release.

9 IT IS SO ORDERED.

10 **Dated: December 4, 2008**

**/s/ Oliver W. Wanger**  
**UNITED STATES DISTRICT JUDGE**